

Our Federal Government In Action



Annual Proceedings

The
MIDDLE STATES COUNCIL
FOR THE SOCIAL STUDIES



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OUR FEDERAL GOVERNMENT IN ACTION

Annual Proceedings
of the
Middle States Council for the Social Studies

DOROTHY W. FURMAN, Editor

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FOREWORD

The Federal government acts as an important influence on social studies teaching. The factual information about the structure of government, the history of government, and current affairs relating to governmental activities at home and overseas are aspects of our government's story which make up a substantial part of the social studies curriculum at every grade level.

Our government is a constantly changing organism. Obviously, change is more rapid and more frequent today than it was a generation ago. New laws are enacted which affect the lives of all of us. These must be discussed in social studies classes; and social studies teachers more than any others, need to be aware of changes. Current affairs in Federal government are part of the social studies program on all levels. People in government positions often change overnight. New offices and new jobs are created to meet national and international needs or emergencies. Elections and appointments to Federal office influence what the social studies teacher will teach.

In addition to these influences of government on the social studies curriculum, teachers make use of the wealth of resources which the Federal government provides. The Government Printing Office, for example, is justly known as the world's most prolific publisher. Bulletins, pamphlets, leaflets, bibliographies, research studies, maps, circulars, books, pictures, proceedings, laws and reports are available to teachers — many of these free or at nominal cost. Each branch and department of the government issues its own printed materials, or has some particular service to render the social studies teacher who is alert to their availability.

The purpose of the Annual Spring Conference held in Washington, D.C. on May 18-19, 1956, was to discover through talks delivered by specialists, how social studies teachers may make the best use of the services offered by the Federal government; and how information about activities of government may be applied to social studies teaching.

For these reasons, the conference highlighted talks by people with special responsibilities in some branch of the Federal government. Because the Department of Health, Education and Welfare is the Branch of government with the closest relationship to schools and teachers, specialists from that Department were invited to explain the activities of their various offices and their relationship to the social studies.

The opportunity to meet in Washington, D.C. was a particularly pleasant one — especially in the late Spring, when the capital city is at its loveliest. The address by Dr. A. Powell Davies was an inspiration to social studies teachers. The tour of Embassy Row gave us a glimpse of another kind of resource which makes the nation's capital an educational goldmine for teachers. Through the cooperation and planning of two local social studies organizations: The Washington D.C. Round Table for Social Studies Teachers, and The History Teachers Association of Maryland, the Spring Conference became a happy event as well as an inspiring educational one.

This issue of our Annual Proceedings brings together the highlights of talks delivered at the Conference. The Council hopes that the substance and the spirit of these addresses will serve as a resource and a stimulus for interpreting our Federal government to social studies teachers and to pupils.

DOROTHY W. FURMAN,
Editor

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An Introduction To The Department of Health, Education & Welfare

By RUFUS E. MILES, JR.

Director of Administration, Department of Health, Education, and Welfare

To a group devoted to the "Social Studies," the Department of Health, Education, and Welfare offers a gold mine of material. I am sure most of you know something about this gold mine, but perhaps I can contribute to your meeting by giving you a miner's view of of the diggings.

The kinds of problems with which the Department must wrestle seem endless, often fascinating, and sometimes very troublesome. They are more varied, I think, than those of any other department in Washington. Here are a few examples of questions to which we must seek answers:

What is the proper role of the Federal Government in trying to cope with the very serious increase in juvenile delinquency?

What kinds of controls should the Federal Government try to devise to limit abuse in the sale and use of barbiturates?

Should women be given special treatment in the form of a lower retirement age than 65 under the Old-Age and Survivors Insurance program?

How much money should the Federal Government spend on medical research?

What position should the Department take on a proposed bill to deprive persons of social security benefits if they are convicted of sabotage, espionage, or subversive activities? No other crimes by U. S. citizens are treated as a cause for deprivation of earned benefits under existing social security law.

Should the Federal Government launch a federally financed scholarship

program for college students? If so, how big should it be and how should it be administered?

From a good management standpoint, should the hospitals of the Public Health Service launder their own linens or contract for the service with local commercial laundries?

These are samples of the questions which make up our daily diet of problems. You will be hearing in a few minutes from my associates in the Department representing three of our operating agencies — Dr. Rackley of the Office of Education, Mrs. Merriam of the Social Security Administration, and Mr. Hunter of the Public Health Service. They will give you a more intimate glimpse than I can into the workings of their parts of the Department. Perhaps I could be more helpful by giving you some semi-historical recollections about the way the Department came to be what it is today.

The Department of Health, Education, and Welfare became a department on April 11, 1953, less than 3 months after the inauguration of President Eisenhower. It became a department by virtue of a reorganization plan which the President transmitted to the Congress for its approval. Twice before, previous administrations had attempted to create a new department by the same process and had failed. It took a new administration with a newly appointed lady administrator, Oveta Culp Hobby, to achieve what some skeptics thought was still impossible. Mrs. Hobby, working closely with the President's Committee on Government Organization, composed of Nelson Rocke-

feller, Arthur Flemming, and Milton Eisenhower, put in many long hours of work, both before and after inauguration of the President, shaping up a plan which would be acceptable both to Congress and to the many interested groups. There were numerous conferences with Congressional leaders, particularly with Senator Taft who had a keen personal interest in this subject. The groundwork was so well laid by Mrs. Hobby and the Rockefeller Committee that when the reorganization plan was finally transmitted to the Congress, it was approved in record time.

I recall vividly the discussion which went on immediately prior to the transmittal of the reorganization plan to the Congress. Everything was agreed upon except the name of the Department. Each person had his own idea what the Department ought to be named. Members of the Congress who were consulted had widely differing views. One felt that the clear and obvious name should be the "Department of Welfare" but others felt that this smacked too much of the "Welfare State." Furthermore, educators and doctors did not like the idea of having health and education subordinated in the title of the Department to the concept of welfare.

Another name which had several strong supporters was the "Department of Human Resources." This name was eventually rejected, partly for the reason that there was antipathy to the idea conveyed by this title that human beings were resources to be used by the State. Opponents of this name said that our democratic philosophy is bound up with the concept of the fullest development of human beings as the end purpose of the State. Under this concept humans should not be referred to as resources.

Many other names were thrown into the hopper — "Department of Human Wel-

fare," "Department of the General Welfare," "Department of Health, Education, and Security," "Department of Human Conservation." The name "Department of the General Welfare" was taken from the preamble of the Constitution which, as you will recall, says:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Placing the words "the General" in front of "Welfare" in the name of the title, and the fact that the words were quotes from the Constitution, it was thought, would take the curse off the "Welfare State" idea. But in the end this name was discarded.

The name "Department of Health, Education, and Security" was discussed but the atmosphere of the times had changed markedly since 1939 when the Department's predecessor — the Federal Security Agency — had come into existence. By 1953, the word "security" was so closely associated in people's minds with loyalty and protection of the Nation against subversion that it was no longer suitable. As an alternative, the Department of Health, Education, and Social Security was considered, but this was rejected for three reasons. First, it was too long. Second, social security had become identified in the public mind with our social insurance system and was therefore too narrow a concept. And third, the initials were HESS. To an initial-conscious Washington, these initials, spelling the name of a notorious henchman of Hitler, were out of the question.

Eventually, the name "Department of Health, Education, and Welfare" won out.

over all others. Although it was a long and somewhat awkward title, it was more accurately descriptive of the functions of the Department and, as in most political compromises, it made fewer people unhappy than any other title.

This bit of historical recollection concerning the birth of the Department of Health, Education, and Welfare calls to mind the earlier birth of the Federal Security Agency which had preceded the Department. The first reorganization step had been taken 14 years earlier by President Roosevelt when he created the Federal Security Agency under Reorganization Plan No. 1 of 1939. At that time, he brought together into one agency a number of important organizations and activities from widely scattered sources. The principal organizations which were brought together at that time were the Social Security Board which had in it the Bureau of Old-Age and Survivors Insurance, the Bureau of Public Assistance, and the Bureau of Employment Security; the Public Health Service which was transferred from the Treasury Department; the Office of Education which was transferred from the Department of the Interior; the American Printing House for the Blind — a non-governmental agency — for which liaison and fiscal responsibility was transferred from the Treasury Department; the Civilian Conservation Corps which had been an independent organization and the National Youth Administration which was transferred from the Works Projects Administration. All of these organizations were brought together for the first time in a new organization which was genuinely intended to become, in due time, a full-fledged department of Government, as it became 14 years later. Callers than he could possibly deal with. Consequently, he left the hotel without any forwarding address and obtained another room in another hotel some distance away

The birth of the Federal Security Agency came about in a much different way than the birth of the Department of Health, Education, and Welfare, even though both came into being through reorganization plans. President Roosevelt's top advisor on Government organization, Louis Brownlow, was asked by President Roosevelt to come to Washington from Chicago, where he was Director of the Public Administration Clearing House, to write the first reorganization plan under the newly enacted Reorganization Act. Mr. Brownlow took a room at the Hay-Adams House, across Lafayette Square from the White House, and started writing the reorganization plan. When word of his presence and his mission was passed rapidly around the city of Washington, he had more and continued with his development of the plan. When it was finally announced and transmitted to the Congress by President Roosevelt, many of the top officials of the Government affected by the reorganization plan read in the newspapers of their proposed change in status, much to their surprise and, in some cases, shock. But though no advance groundwork had been laid with the Congress, as was done fourteen years later, the plan was not disapproved by the Congress and became law.

In the years which intervened between 1939 and 1953, the Federal Security Agency lost a number of organizations, some by death and others by retransfer out of the Federal Security Agency, while it gained others. Its principal losses were the Civilian Conservation Corps and the National Youth Administration which had been emergency agencies developed during the great depression and whose usefulness was over soon after World War II began. Meanwhile the Department gained a number of new and significant activities. In 1940 the Food and Drug Administration, about which we hear relatively little but which is a very important

organization, was transferred from the Department of Agriculture to the Federal Security Agency. Simultaneously, responsibility for Freedman's Hospital, Saint Elizabeths Hospital, Columbia Institution for the Deaf, and Howard University was transferred to the Federal Security Agency. Three years later, the Office of Vocational Rehabilitation was by law elevated from the status of a division of the Office of Education to the status of a full-fledged operating arm of the Federal Security Agency with a much enlarged program and with greater emphasis upon physical restoration as distinguished from the earlier emphasis upon vocational training.

In 1946 the Children's Bureau was transferred from the Labor Department to the Federal Security Agency and made a component of the Social Security Administration. In 1948 the Bureau of Employment Security which contained the United States Employment Service and the Division of Unemployment Compensation was transferred to the Labor Department. In 1948, also, the Bureau of Federal Credit Unions was transferred from the Federal Deposit Insurance Corporation to the Federal Security Agency and was put into the Social Security Administration.

Having worked in the Federal Security Agency prior to the creation of the Department of Health, Education, and Welfare, I was much interested in the question of how the organization would be affected by its change of status from an agency to a Department. I found that this change was of tremendous importance. I think that newspaper men and the general public tend to give an excessive degree of weight to the status which attaches to the name "Department." People who had never paid any attention to the Federal Security Agency suddenly thought that this new department had sprung up from almost nothing and was accomplishing great things where little

had been done before. The press, both in its news columns and its social columns, seems to pay great heed and attention to top representatives of the various departments of Government and relatively little to the agencies with non-Cabinet status. I think this sharp line of distinction is unfortunate but, I must say, it is nice to have moved over the line from a "peanut" agency to a full-fledged department. I can also say that the closer relationship of the Secretary of the Department to the White House, by virtue of his membership in the President's Cabinet, is of great assistance to the Department in accomplishing its mission.

We are now assuredly a grown-up Department. We have 45,000 employees scattered throughout the entire country and overseas. We have responsibility for paying out each year more than \$7,500,000,000, of which nearly three quarters is in the form of social security checks paid from the Old-Age and Survivors Insurance Trust Fund to retired workers or survivors of workers who have died and left widows and children and other dependents. About another 20 percent — \$1.4 billion — is for grants to States for public assistance to take care of needy aged, blind, dependent children and permanently and totally disabled people who receive either no benefits from social insurance or insufficient benefits to cover their minimum living needs. The remaining amount — between \$500,000,000 and \$600,000,000 — goes for all the other programs of the Department, including the operation of the largest medical research institution in the world, the provision of health services to Indians, assistance to school districts which are burdened by Federal activity, and many, many other programs.

In summary, we have six operating agencies of the Department and three affiliated institutions. The six operating agencies are

the Food and Drug Administration, the Office of Education, the Office of Vocational Rehabilitation, the Public Health Service, the Social Security Administration, and Saint Elizabeths Hospital. The affiliated institutions, which are partially financed with Federal funds but are not under the direct administrative supervision of the Department, are the American Printing House for the Blind in Louisville, Kentucky, Gallaudet College and Howard University, both of which are here in Washington. The Office of the Secretary attempts to coordinate the work of these various agencies, especially in respect to the many problems which relate to the work of more than one of the operating agencies.

Legislative and budgetary problems loom large. Last year, for instance, we were requested to develop policy positions and report to the Congress on 493 pending bills. This is some indication of the intensity of public and Congressional interest in the programs of the Department. The number of health, education, welfare, and other public and private interest organizations which wish to make their views known to the Department and otherwise keep in close touch with the work of the Department

never ceases to amaze newcomers to the Department.

Next to the Post Office Department, the Department of Health, Education, and Welfare is the most pervasive of any department of the Government. Its activities extend into every county in the United States, with a tremendous variety of functions. But, unlike the Post Office Department, which operates primarily through Federal employees, down to the smallest community, the Department of Health, Education, and Welfare operates primarily by backstopping States and local communities and non-profit institutions in carrying out activities of basic public benefit in which all levels of government and non-profit institutions have common concern.

The Department of Health, Education, and Welfare is a dynamic institution whose activities are of closer and more direct interest to you than most of you realize. I am confident that it will grow in usefulness to the American people as it matures as a Department, and as the Nation learns more fully how best to use it to improve the health, the education, and the welfare of all the people.

AMERICAN PRINTING HOUSE FOR THE BLIND

As the official printery for the blind in the United States, one of the principal functions of the American Printing House for the Blind in Louisville, Kentucky, is the extension of its service to the schools and classes for the blind. The Printing House maintains large catalogs of Braille books, Talking Books, Braille publications, large-type texts, and tangible apparatus. Schools for the blind are thereby provided with a rich collection of educational materials from kindergarten through high school.

GALLAUDET COLLEGE

Gallaudet College is devoted to the education of deaf persons who, because of their handicap, are unable to make satisfactory progress in schools and colleges for hearing students. The college, located in Washington, D.C. is the world's only college for the deaf. In addition to education, it conducts research into the educational problems of deafness.

The Social Security Program

By MRS. IDA C. MERRIAM

Director, Division of Research and Statistics, Social Security Administration

It may seem unnecessary to start with definitions, when talking about social security. But the very familiarity with which increasing numbers of older people — and younger ones as well — are referring to "my social security" suggests that some reflection on what they mean might be worthwhile.

What Is Social Security

Different individuals, of course, have very different specific ideas as to what the social security program is. Most people probably think of old-age and survivors insurance, and many think only of the old-age retirement benefits, not knowing or forgetting about the survivor benefits — the life insurance provisions of the program. Some people think of public assistance, or at least old-age assistance, when they say social security. And to some, veterans benefits or unemployment insurance or private pensions represent their social security, although not so likely to be called by that name.

The common element in all these specifics is an organized arrangement through which part of the current national output of goods and services is channeled to persons who cannot at the time depend on earnings — either because they have retired or are sick or disabled, or unable to find a job or because the normal breadwinner in the family died. This is the income-maintenance aspect of social security programs. In a complex money economy such as ours, where over half the people now live in urban areas and families tend to move frequently from place to place, some such institutional provision is essential to undergird the security that is afforded by individual savings, family re-

sponsibility and community neighborliness. There is also an important service aspect of social security programs, which I will discuss later.

Existing Social Security Programs

In the time available, I cannot and shall not attempt to describe the existing social security programs in any detail. And I shall limit the discussion almost entirely to the public programs and primarily to those administered by the Social Security Administration. It might be worthwhile at the outset, however, to remind ourselves of the scope and general magnitude of social security operations today. At the present time, benefit payments under all social insurance and related programs combined amount to more than \$1.1 billion a month. This includes payments under the national old-age and survivors insurance program, the special social insurance programs for railroad workers and for Federal, State and local government employees, benefits under the State unemployment insurance programs and the four State temporary disability insurance programs, workmen's compensation payments and veterans pensions. Public assistance payments to needy persons amount to about \$237 million a month at the present time. We are obviously talking about operations of significant size.

To keep perspective, it should be noted that these social insurance, veterans pensions and public assistance payments combined, represent only about 6 percent of the total income currently going to individuals and families after payment of personal taxes — or what in the national income estimates is called disposable personal income. They do

provide a steady base of income and purchasing power for groups who would otherwise have very meager incomes or in many cases be obliged to depend on relatives or friends. They have made it possible for increasing numbers of older persons to maintain their own homes and living arrangements and freed the resources of younger families for greater educational or other advantages for themselves or their children. It is important also that the volume of payments under these programs automatically increases if business conditions become unfavorable, not only through the increased flow of unemployment benefits to persons thrown out of work, but also through stepped-up retirement payments to older persons who would have continued working under conditions of full employment and through increased assistance to needy individuals and families. This increased flow of payments acts as a stabilizing influence on the whole economy.

Historical Background Of Social Security

Another perspective comes from a look backward to the situation in 1935 when the Social Security Act was adopted. There were a few limited social insurance programs in operation at that time. Special retirement systems for State and local government employees were in existence in a few localities before 1900. The civil service retirement system for Federal employees was established in 1920. The first social insurance program for workers in industry and commerce, in this country as in many others, was workmen's compensation — providing cash benefits and medical care to workers injured on the job and cash payments to the survivors of those who die as a result of work-connected injury or disease. A compensation act for Federal employees was enacted in 1908, the first State law to be held

constitutional by a State court in 1911, and by 1935 all but 4 of the States had workmen's compensation legislation. Payments under these insurance programs in 1935 amounted to \$384 million and veterans pensions to \$390 million as contrasted with the roughly \$10 billion a year being paid out under social insurance programs and \$2.5 billion in veterans pensions today.

The major social security expenditures in 1935 were for emergency public aid. Before 1935 responsibility for meeting need was carried largely by local governments, with some State financial aid in a few States. The depression of the 1930's showed both the economic interdependence of all sections and groups and the inability of the local communities and States to handle major relief needs without Federal funds and without the use of the broader fiscal capacity of the Federal Government.

The Social Security Act adopted in 1935 provided for a national contributory system of old-age insurance, a Federal-State system of unemployment insurance, and Federal grants-in-aid to the States for old-age assistance, aid to the blind, aid to dependent children, maternal and child health services, crippled children's services, and child welfare services. It also provided Federal grants-in-aid for public health and vocational rehabilitation, thus giving a major impetus to those programs. The parts of the Act relating to public health and rehabilitation were subsequently incorporated in separate legislation which provided the basis for programs administered by two of the other constituents of the Department of Health, Education, and Welfare.

Progress in Social Security

What has happened in these twenty-one years to the social security program? Most notable are the developments in the con-

tributory old-age benefits program, now — with the addition of benefits for widows and orphans in the 1939 amendments — become old-age and survivors insurance. Perhaps the most important fact about old-age and survivors insurance today is its general acceptance. Very few indeed are the individuals or groups who now question the value of a compulsory national program through which individuals can contribute while they are earning and be assured of at least minimum benefits when they retire or for their families should they die while the children are still young. Limited at first — largely for administrative reasons — to industrial and commercial employees, the system was extended in 1950 and again in 1954 until it has come close to achieving universal coverage. With almost 90 percent of all paid civilian jobs now covered, most people can count on a continued basic insurance protection wherever they work and whether they change jobs many times or not at all in the course of their working lives. If you have not seen recent figures, you may be interested to know that 1.7 million State and local government employees are now covered by old-age and survivors insurance, about half of whom have their own special retirement systems as well. The existence of the basic system has made it possible or easier than it was previously for employers to provide additional benefits to long-service employees through private pension plans or such special public systems. More than 13 million persons are now covered by private pension plans, although because of movement between jobs, many of these persons will not actually receive any benefits other than old-age and survivors insurance.

Another important fact about the basic social insurance program is that benefit levels, after falling badly behind during the war years, have — as a result of amendments in 1950, 1952 and 1954 — been

brought back into line with changes in the cost of living and have even been increased enough to reflect in part the increase in productivity and national output that has occurred since 1939. This latter statement needs some qualifications. Because the maximum amount on which contributions are paid and benefits are based — in technical terms, the taxable wage base — has not been raised proportionately to the rise in wage levels, higher paid workers have suffered a reduction in the value of their benefits. Whereas in 1939, with a \$3,000 taxable wage base, all of the earnings of more than 95 percent of the workers covered by the program counted toward their benefits, today the \$4,200 base allows only 75 percent of those covered to have all their earnings credited.

A major continuing issue with regard to old-age and survivors insurance is certain to be the level of benefits. The question will never be settled so long as national output and wages or prices continue to rise. One of the advantages of a broad social insurance program is that it can adjust benefits, since contribution income also adjusts to changing payrolls. In our kind of economy this means a continuing choice as to whether the system shall provide benefits of a fixed dollar value, of a fixed real value (that is, related to changes in cost of living) or of a value related to changes in the total national output, or something in between. The actuarial cost estimates that have been used in setting the existing contribution rates assume that benefit levels will keep up with wage levels.

Public Assistance, Old Age and Survivors Benefits

In the course of the 21 years since 1935, the old-age and survivors insurance program has grown not only by amendment of the law but also by reason of the fact that more and more of the persons who reach retirement age or who die before that time have

had an opportunity to contribute and acquire insured status. More than half of all orphaned children are now receiving the support of old-age and survivors insurance benefits. In December of last year, 6.2 million or 43 percent of the 14.3 million persons aged 65 and over in the United States were receiving old-age survivors insurance benefits; another 1.2 million aged persons are insured and could receive benefits if they retired. Altogether 88 percent of the men aged 65 and over and 65 percent of the women had some income from employment or social insurance including the other public retirement programs and veterans benefits as well as old-age and survivors insurance or both.

I shall not attempt to describe what has happened to the unemployment insurance program, other than to say that it too has had some expansion of coverage and that the States also have been faced with the problem of keeping benefit levels in line with rising wage levels with varying degrees of adjustment actually made in different States. As I am sure you know, the unemployment insurance and employment service responsibilities of the Federal Government are now administered by the Department of Labor.

Four States, Rhode Island, California, New Jersey and New York — to name them in the order of the dates of their legislation in the field — now have temporary disability insurance programs. The railroad social insurance program also provides for cash sickness benefits.

Much has happened during the years since 1935 in the public assistance programs. A fourth category of needy persons for whom the Federal Government shares in the cost of assistance — persons who are permanently and totally disabled — has been added. All States and the District of Columbia, Alaska, Hawaii, Puerto Rico and the Virgin

Islands now receive Federal grants for old-age assistance, aid to dependent children and aid to the blind, and 41 States, the District of Columbia, Hawaii, Puerto Rico and the Virgin Islands for aid to the permanently and totally disabled. Most States provide some assistance to other needy persons from their own funds. At present a little over half of all funds spent for assistance are provided by the Federal Government, about 37 percent come from State funds and 12 percent from local revenues.

Because standards of need are determined by the States and because there are large differences among the States in per capita income and ability to support welfare programs, the levels of assistance provided vary greatly from State to State. There are certain common program trends, however.

With the growth of old-age and survivors insurance, the number of persons receiving old-age assistance is going down — in spite of the fact that the total number of aged persons in the population is increasing. The average age of the 2.5 million persons receiving old-age assistance is 75. Most of them will probably need aid for the remainder of their lives, so we cannot expect old-age assistance to disappear or decline very rapidly. While most of the persons now receiving old-age assistance missed being covered by old-age and survivors insurance, there are an increasing number — now about half a million — who are receiving assistance to supplement old-age and survivors insurance benefits that are inadequate for their needs. A large part of this supplementation is probably for medical care costs. An old couple with monthly benefits of \$110 a month — the average today — can usually manage to take care of their regularly recurring expenses, particularly if they own their own home, as close to 80 percent of the aged beneficiaries do. But medical

care costs, which are frequently large and usually unpredictable, present a different problem, and one which is likely to become more serious with the increasing proportion of older persons in the population unless effective methods of prepayment for medical care can be worked out.

Aid to Dependent Children

There has also been a notable change in the aid to dependent children program in recent years. This program grew out of the older mothers' aid laws, designed primarily to enable orphaned children to stay with their mothers. The program has been broadened to provide assistance to children who are in need because of the father's absence due to divorce, separation or desertion, or because of his disability. At the same time our improved medical knowledge and health care have resulted in a dramatic decrease in the number of orphans. In 1920, one in every 6 of all children under 18 had lost one or both parents; today the proportion is about 1 in 20. There are only 60,000 full orphans in the entire country today. Two-thirds of all orphans are receiving benefits under old-age and survivors insurance or related programs. As a result the aid to dependent children program now serves primarily children who are dependent and in need because of family breakup — more than half of those on the rolls — or because of the disability of the parent.

This shift has brought some problems of public understanding. It has also increased the need and opportunity for services to assistance recipients to help bring some families together again, restore others to self-support and minimize the effect of family breakdown on the children so that the same pattern will not repeat itself in the next generation. There is an increasing emphasis on the provision of services in all the public assistance programs and indeed

an increasing awareness of the need for certain types of services to be available to the entire community.

Special services for children have been provided for many years by the States with the help of Federal grants under the maternal and child health, crippled children and child welfare services provisions of the Social Security Act. The Children's Bureau also carries on research in problems of child life under the terms of an earlier law. Particular attention is now being given to the problem of juvenile delinquency and to the needs of children in migratory families. The resources of the health departments, the welfare departments and the schools are being brought together, in local communities as well as at the national level, to help improve conditions for this special low-income group.

It is coming to be recognized that many old people, too, need special services in addition to a money income. Nursing home care and homemaker services can not only make life pleasanter for the individuals but also relieve some of the burden which chronic illness now places on our general hospitals. Recreational services and adult educational opportunities can lessen some of the loneliness of old age. Communities across the country are beginning to organize for these purposes, both through voluntary agencies and through public programs.

Outlook for The Future

This then, in very brief summary, is where we have come in the social security program. As we look ahead, we can anticipate a further growth in population and particularly in the number and proportion of children and older persons. It seems reasonable to anticipate also — or at least to plan in terms of — a continued increase in productivity and in the national output to be shared.

How long it will take for the coverage of old-age and survivors insurance to become truly universal is difficult to foresee. The Administration has recommended and Congress has before it bills that would extend coverage to all major groups now excluded, that is Federal employees, both civilian and military, doctors and a few other professional and miscellaneous groups. Even without any change in the present coverage, it is estimated that by 1980 nearly 95 percent of the considerably larger number of persons then aged 65 and over will be insured and able to draw benefits when they retire.

Congress also has before it at the present time legislation passed by the House last year and now under consideration in the Senate that would extend old-age and survivors insurance to cover the risk of permanent and total disability by providing monthly benefits to such disabled persons after they reach the age of 50. As you probably know, the Administration has recommended against such expansion of the program at this time and is placing major emphasis on an increase in vocational rehabilitation services to restore to gainful employment as many disabled persons as possible. Whatever action the Congress may take this year, it can be assumed that the problems of income-maintenance and of improved rehabilitation and other services for disabled persons will receive increasing attention in the years ahead.

Unless we have a fairly serious economic depression, the public assistance programs will probably play a gradually decreasing role in income maintenance. The old-age assistance caseload will probably continue for some time the gradual decline that began about 1954. And if other arrangements for assuring medical care to retired persons are developed, the decline may be more rapid. On the other hand, a number of States are

now providing less assistance than is needed according to their own standards. If national income continues to rise, many of the States may find it possible to meet their standards in full and others may raise present standards by which need is determined. Even if the number of persons receiving old-age assistance does not change, the proportion of all aged persons getting assistance will decline. Most of the persons now receiving aid for the permanently and totally disabled would not be able to qualify for disability insurance benefits even if these should be added to the old-age and survivors insurance program. The future size of the aid to the permanently and totally disabled rolls, however, will be very much affected by what happens in the insurance program as well as by future developments in medicine and in methods of vocational rehabilitation.

Most of the children now receiving aid to dependent children are in need because of conditions or risks which are not subject to insurance. The aid to dependent children program will continue to play a vital part in our attempts to provide an opportunity for healthy growth and development for all children. There is every reason to hope that the provision of more services to families through the public welfare programs and other programs will help restore many families to self sufficiency and prevent some long-continued need for aid.

As our wealth and national output increase, we shall be faced with continuing choices as to its use. It is generally assumed that we will take some of the advantages of increased productivity in the form of leisure — shorter hours of paid work. There will also be an increasing margin of our time and energy that can be used in the provision of services of all kinds. I do not need to remind a group of teachers that there are many competing demands in this area — of

which the demand for improvement in educational services has high priority. But I think we can anticipate a substantial expansion in health services and in welfare services, too. At the moment, we are in a period of manpower shortage which makes it difficult to find enough trained people in any of these fields. More adequate utilization of the time and skills of older and middle aged persons and of all racial groups will help until the children now in school are trained and ready to take over their part of the task.

I think we can also anticipate that many of the welfare services of the future will, like those of today, be organized through voluntary agencies. We have come to recognize that only the Government, as the most all-inclusive mutual association we have, can effectively organize certain basic programs. We also know from long experience the importance of doing for ourselves, individ-

ually and through a great variety of private organizations, all those things that can be carried out as well or more effectively by smaller groupings of people and of power. I am sure there will be continuing experimentation and continuing debate as to which programs should be left to voluntary action, which should be carried out by local government with or without the financial participation of State and Federal government and how much should be done on a national basis — or, indeed, through international cooperation. Whatever the shifts in emphasis, I think we shall not abandon either our present multiple approach to the problem of social security or our determination to build an institutional framework adequate to assure every individual and family reasonable access to the goods and services that our economy so abundantly produces and the basis for self-development and full participation in our society.

THE FEDERAL ROLE IN EDUCATION

In carrying out the basic function placed upon it by the Congress, the Office of Education has been guided by three principles: (1) Education is essential in a democracy; (2) equal educational opportunity should be available to everyone; and (3) the control of education is vested in State and local government.

The Office of Education recognizes that the schools belong to the people, that their strength is derived from the people; it respects the independent organization and operation of public and private school systems, and within its power tries to safeguard their freedom and independence. Furthermore, the Office of Education recognizes that, if schools are to serve the diverse interests and needs of the people, the people directly concerned must determine their procedures, their policies, and their curriculum.

Realizing these facts, the Office seeks to provide national leadership without domination, and assistance without interference; to fill gaps in information and services; to stimulate ideas and action; to promote agreement among educators and laymen on common goals; and through research and the publication of research findings, to make accurate information available to all.

U. S. Public Health Service

By J. STEWART HUNTER

Assistant to the Surgeon General for Information
U. S. Department of Health, Education, and Welfare
Public Health Service

One of the more pleasant exercises in which all of us can indulge is the business of talking shop. It is, therefore, a special pleasure to be here today with the directive from your chairman to talk shop about the Public Health Service.

This morning I should like to sketch out, in general terms, the mission of the Public Health Service and to give you some notion of who we are organized to carry out the job which has been entrusted to us by Congress on behalf of the people of the United States.

We could agree, I believe, that of all human aspirations one of the most intimate and enduring is the drive for better health — as individuals, as communities, and as nations.

In this country that job is carried on by many, many thousands of people — working also as individuals and in agencies and organizations. In fact, it is evident that perhaps no nation in history has devoted more energy and time and money to the job of health.

Broadly speaking, the mission of the Public Health Service is to serve as the principal instrument of the Federal Government in this vast enterprise.

How are we organized to carry out this job?

Again, broadly speaking, the Service has three principal functions:

—research designed to uncover the causes

and achieve the early prevention of disease

—Control programs, carried out in partnership with the States and local communities, to cure and prevent the spread of disease, and,

—direct medical services for groups designated by the Congress as entitled to receive medical care.

What, specifically, are some of the tasks that are carried out in these three general areas?

In research they are as broad as the spectrum of human illness. At the National Institutes of Health in Bethesda and in hundreds of universities, hospitals, and private laboratories throughout the nation, work financed by Federal funds is going on on cancer, heart disease, mental illness, dental diseases, arthritis, and dozens of other illnesses. In the Robert A. Taft Sanitary Engineering Center in Cincinnati, other scientists are working on problems of air and water pollution and other hazards of our industrial environment. In Atlanta at the Communicable Disease Center work is going forward on infectious diseases. We even have an installation in Anchorage, Alaska conducting research on health conditions and problems peculiar to cold climates.

Some idea of the breadth and scope of this research and of the importance placed upon it by the Congress, the Department, and the Service can be obtained from this

year's budget for the National Institutes of Health and the budget request for next year. For this year it amounts to \$99 million. For next year, Secretary Folsom has requested \$126.5 million, an increase of some 27 per cent.

The protection of health, as distinguished from research into its betterment, is, like education, primarily a State and local responsibility. There are many public health programs which cut across State boundaries or are beyond the normal resources of the States. The Service's job in the protection of health is thus essentially one of partnership with the States. It is a job of providing technical assistance, of translating scientific knowledge into practice, and of spreading knowledge about new techniques and new use for the control of tuberculosis, venereal ideas in public health practice. This is the second of the three principal functions of the Service.

The Service's Bureau of State Services last year administered about \$56 millions in funds provided by the Congress for State use for the control of tuberculosis, venereal disease, cancer, heart disease, mental illness and other illnesses.

The Bureau's National Office of Vital Statistics continued the job of collecting and analyzing statistics of nation-wide death and disease which are so important to the practice of public health. Work went forward toward spreading the word on improved nursing practices and on radiological health — that new and emerging heritage of our atomic age — and on dental public health.

To me — and, I am sure, to you — the intelligence of the Office of Vital Statistics in these recent years makes for enlightening as well as cheerful reading.

In the preparation of the Service's annual report, which is a responsibility of our

office, I am pleased these days to learn of the steady advance of the life span — from 47 to about 69 years in the past half century; of the virtual elimination from the nation of small pox, malaria, diphtheria and of such startling declines as in infant mortality and maternal deaths. There have been spectacular declines in deaths due to tuberculosis, a disease against which the combined local-State-Federal machinery has been effectively mobilized. In 1900, this disease was the leading cause of death, with 194.4 deaths per 100,000 population. In 1954, the rate was 10.2 — tuberculosis had dropped out of the ten leading causes of death. In the past five years alone, an annual decline of 20 percent has been recorded in the tuberculosis death rate.

I like to think of the increase of the life span in still another way. In terms of children, it means that most of today's fifteen-year old's will greet the new century at the certainly not doddering age of 59.

The third general area of Public Health Service responsibility lies in medical services. It operates the Division of Foreign Quarantine, a traditional Service responsibility since 1798. It provides medical and dental care for the Coast Guard and for other Federal beneficiaries, operates the marine hospitals for American merchant seamen, the Federal hospitals for narcotics addicts at Lexington, Kentucky and Fort Worth, and the national leprosarium at Carville, Louisiana. Most recently it has also taken on the job of providing health and medical services for 350,000 American Indians and Alaska natives.

Of the programs operated by the Bureau perhaps the most far-reaching is the Hill-Burton program for building hospitals. Since it was authorized by the Congress ten years ago, this nation-wide program has helped provide over 1100 new civilian hospitals and

aided in the enlargement of 1200 more. Eight hundred more are in the planning stage as well as 600 public health centers. Many of them, I might add, are in rural areas and small towns where no hospitals had existed before.

These — in brief and sketchy form — are some of the activities of the Service.

They occupy the time and energies of some 21,000 employes — physicians, dentists, nurses, engineers, research scientists, statisticians, social workers, writers, lawyers, and, with our recently acquired responsibilities, even Indian chiefs.

What are the results of the efforts of the Public Health Service? Some, as I have indicated are measurable. Most of them are not. They have played a role and have a part in the great complex of scientific and medical advances of the last quarter of a century — advances which have alleviated untold human suffering and opened the way toward still greater advances on behalf of the nation and of mankind.

As an information officer, I am properly impressed — and proud — of the achievements of the Service. Yet all the Service would agree, I am sure, that the road ahead is more important. In medicine and in science, as in all human knowledge, much remains unknown. Cancer is a dark mystery. The causes of heart disease still elude the scientist and the laboratory worker. Millions here and throughout the world suffer from crippling diseases. For many millions, life still needlessly is foreshortened.

Among the things which give purpose to the lives of Public Health workers everywhere is the sure knowledge that on some bright day in the unknowable future, the unknown will, indeed, become manifest.

In summary may I read to you the brief introduction to a pamphlet recently published by the Service. Perhaps it will serve as a sort of over-view for some of the things I have spoken to you about this morning.

"The United States Public Health Service," the pamphlet reads, is the Service of Goldberger and his pioneer studies of pellagra . . . of Stiles and his work with hookworm disease . . . of Francis and the identification of tularemia . . . of Armstrong and the adaptation of poliomyelitis to rodents . . . of Mahoney and the treatment of syphilis with penicillin . . . of Sebrell and the demonstration of the effects of riboflavin deficiency . . . of Lumsden . . . of Dyer . . . of Topping . . .

It is the Service that established one of the first teaching hospitals in the United States . . . the Service whose studies of the origin and prevalence of typhoid fever established a classic pattern for communicable disease control . . . the Service whose laboratories developed vaccines against spotted fever, typhus, and mumps.

It is the Service whose epidemiologists have helped drive malaria to cover in this country . . . whose physicians are responsible for use of the sulfones against leprosy . . . whose programs are concerned with the cause, prevention, treatment, and control of the diseases of mankind.

When The Government Goes To Court

Address By PHILIP B. PERLMAN

Former Solicitor General of the United States

The topic assigned to me brings to mind the ancient story I read or was told in law school days of the custom, now long since discarded, if it ever existed, by the members of the Supreme Court whenever in conference during a rainstorm to pause for a drink — a “whiskey break,” instead of the current widely used “coffee break.” And, so the story goes, the Chief Justice of the United States on a certain day suggested that one of his associates go to the window of the conference room to find out whether it was raining outside. The Justice looked out and returned to the conference table to report that it was not raining, that the sun was shining brightly, and that there were no clouds in the sky, and that there was no prospect of rain. The Chief Justice looked at him solemnly, and then slowly but with great emphasis said: “Mr. Justice, you have just reached and delivered the most erroneous, the worst opinion you have ever pronounced in your life. You know that this country is 3,000 miles wide; that in the enormous expanse of territory from East to West, and from North to South, there are broad rivers and lakes, and inland seas; and hills and mountains and valleys where temperatures and weather conditions vary from the tropical to freezing, and that somewhere in this great country it must be raining.”

And so it is with the Federal Government as a litigant. It or its agencies are suing or being sued, not sometime, or even most of the time, but literally all the time. Cases by and against the Federal Government are being filed and disposed of every day that courts are in session. Practically all of the tremendous amount of litigation involving

the Federal Government is, of course, in the federal courts, but some of it, for various reasons, is in State tribunals, if only temporarily. However, if we look at federal litigation we find that a large volume of it is initiated by or in agencies which are not courts in the technical sense, but which are vested with quasi-judicial functions, such as the Interstate Commerce Commission, the Securities and Exchange Commission, the Federal Communications Commission, The Federal Trade Commission, the National Labor Relations Board, the Federal Power Commission, the Subversive Activities Control Board, and other such regulatory and fact-finding bodies from which Congress has provided appeals direct to the Courts of Appeals. If the Government is not directly a party in the litigation before these boards and commissions, it becomes one whenever an appeal to the courts is taken, and the validity of the agency's findings on law and fact are in issue. This is so whether the matter was begun by contending private interests; whether it was initiated by the agency against an individual or corporation or a group, or whether it arose out of an application to the agency for a permit, license or franchise which the agency has authority to issue.

The Attorney General, the head of the Department of Justice, is primarily responsible for bringing or defending all the litigation in which the United States or any of its officers or agencies is a party. He has direct supervision over and is responsible for the conduct of litigation brought or defended by the Department of Justice in all the courts of the land by the various divisions

and sections of that Department, including the offices of 94 United States Attorneys in both criminal and civil matters maintained in each of the 94 federal judicial districts and in the territories. These geographical districts, in which district court judges function, are within eleven circuits, in each of which there is a Court of Appeals to hear and determine the cases coming to it from the District Courts, or from the boards and commissions from which appeals may be taken. There are other courts for the determination of civil matters, such as the Tax Court of the United States, which hears and determines tax questions on appeal from the Commissioner of Internal Revenue; the Court of Claims, which passes upon suits involving claims against the United States; the Customs Court and the Court of Customs and Patent Appeals. There is also the Court of Military Appeals.

The Attorney General is the head of the largest law office in the world. His chief aides are the Deputy Attorney General, the Solicitor General, nine Assistant Attorneys General, the Director of the FBI, the Director of the Bureau of Prisons, the Pardon Attorney, the Commissioner of the Immigration and Naturalization Service, the Board of Immigration Appeals, and the Federal Board of Parole. The staff of the Department of Justice, with its attorneys, assistants, United States Marshals and their deputies, agents, examiners, inspectors, enforcement officers, clerks and other employees, comprises about 30,000 persons. In the Department of Justice there are the Criminal, the Antitrust, the Tax, the Alien Property, the Lands, the Internal Security and the Civil Divisions, and the Office of Legal Counsel, each being headed by an Assistant Attorney General. All of the Divisions are engaged, among other duties, in handling litigation in which the United States is a party, or in which its interests are involved. In some

phases of the work, the attorneys in these divisions participate at the trial level, but the greater part of the conduct of trials, criminal and civil, is done for the Department of Justice by or in cooperation with the 94 District Attorneys in the federal courts throughout the country. A picture of the volume of litigation handled annually in the United States District Courts and in various State courts is shown by the fact that at the beginning of the fiscal year in 1954, there were pending 10,487 federal criminal cases, involving 14,789 defendants. During that year, ending June 30, 1955, 37,684 new cases, involving 46,367 defendants, were filed by the United States, and 39,226 cases, involving 48,827 defendants were terminated. At the beginning of the current fiscal year there were 8,945 cases, involving 12,329 defendants. During the previous fiscal year the 37,684 new cases and the 39,226 cases terminated make a total of 76,910 criminal cases, involving 95,194 defendants, handled by the District Attorneys. But that is not the whole story. The same group of attorneys, and their staffs, started the year with 20,799 civil cases on the dockets. There were 20,753 new civil cases filed and 20,518 cases terminated, so that at the beginning of the present fiscal year 21,034 civil cases were still pending. If the new civil cases are added to those disposed of during the year, there was a total of 41,271 civil cases handled by the District Attorneys during the year. If these are added to the criminal cases, the total number of all government cases in the District Courts in one year reaches 118,181.

But this number, sizeable though it is, does not include the many cases argued in the eleven Courts of Appeals, nor in the Supreme Court of the United States by the attorneys in the Department of Justice. Nor does it include the cases in the Customs Court, in the Court of Claims, and in the

Court of Customs and Patent Appeals. Nor do these figures include all of the great number of cases which may be handled in the first instance by lawyers on the legal staffs of the great departments of Government, and the lawyers on the legal staffs of the boards, commissions and other agencies of the federal government. Many of the independent offices and establishments maintain large legal staffs because they are continually engaged in matters involving legal problems, and the decision of such problems often leads to litigation.

I hope you are not being bored too much by the statistics I have just recited. I dug them out of a recent report made by the Attorney General. The incomplete number of cases in which the United States is involved does not begin to suggest the number of times the Government goes to court to make or answer or argue preliminary motions or participate in what is known as pre-trial proceedings. The disposition of a single case may take part of a court day, or an entire day, or several days, or a week or a month, or several months. I have in mind, for instance, the trial in the Southern District of New York of the eleven top communists charged with violating the Smith Act by advocating and teaching the overthrow of the Government by force and violence, a case which took nine months to try in the District Court. And then, as in many other cases, civil as well as criminal, there was an appeal to the Court of Appeals and a review by the Supreme Court of the United States, so that years went by before it was finally concluded. Even longer periods of time have been required for the trial and determination of other cases, including, particularly, antitrust cases.

The difficulties and delays encountered by the Government in the enforcement of the antitrust laws were brought into sharp focus

by a case involving the chlorinating equipment industry. The Antitrust Division of the Department of Justice began a comprehensive investigation of that industry as far back as 1942. After some 4 years of intensive investigation, the Government presented the evidence to a Rhode Island Federal grand jury which heard testimony over a period of 6 or 7 months in 1946. Some 200,000 pages in documents were subpoenaed, and, chiefly on the basis of those documents the grand jury returned an indictment in November 1946. At the same time the United States simultaneously filed a civil suit in equity to enjoin future violation. Shortly thereafter, the Supreme Court handed down a decision in *Ballard v. United States* (329 U. S. 187), in which it ordered an indictment dismissed in a mail fraud case because women had been excluded from the Federal grand jury in California which had returned indictment — one of the principal defendants in the Ballard case being a woman. The issue was not a constitutional one; it was merely a matter of Federal statute which made applicable the local State practice, and since women were eligible for jury duty in the California State courts, the Supreme Court ruled that it was error to exclude them from the Federal grand jury in California.

Taking their cue from the Ballard case, defendants in the anti-trust case promptly asked that their indictment be dismissed, since there were no women on the Federal grand jury in Rhode Island which returned the indictment. It thus became necessary to look into the Rhode Island State practice as to women jurors. And here a most unusual condition was found. The Rhode Island law provides in substance that women are eligible if the jury commissioner certifies that the accommodations and facilities in the particular courthouse are such as to allow of the service of women. Under that law

women serve as jurors in some courthouses in Rhode Island, and not in others. However, there had never been any certification by a jury commissioner as to the accommodations and facilities of that particular Federal courthouse in Providence, R. I., and indeed the Rhode Island Federal district court had ruled in another case several months before the grand jury was empaneled for our case that the toilet facilities were unsuitable for women jurors. Nevertheless, upon motion of the antitrust defendants, the matter was reopened. And, after an architectural and plumbing survey of the building and its toilet facilities, the same judge reversed his prior ruling, concluding that while the facilities were not the best obtainable in this day and age, they nevertheless could be used. Accordingly, he ruled that women should not have been excluded from the grand jury panel. The result was that the indictment against large corporations and certain officers was dismissed.

The Government then attempted to go forward with the civil suit against the defendants. But it was met with the contention that it could not use as evidence any of the documents which had been produced before the grand jury. The reasoning was that when the grand jury turned out to be an illegal grand jury, the production of the documents before the grand jury amounted to an unconstitutional search and seizure, and that the evidence could not thereafter be used against the defendants, even if called for by new subpoenas. This contention seemed fantastic. But it was accepted by the district court, which entered judgment of the dismissal of the civil suit, there being no other substantial evidence to support the complaint. The Government was thereupon compelled to appeal that judgment to the Supreme Court, and in May of 1949, seven years after the investigation was begun, the Supreme Court reversed the district court,

and the case went back to the district court for trial.

Ordinarily no prosecution is begun or civil suit filed by the United States without much intensive study by the appropriate agency concerned and by the Department of Justice. If it is a civil matter, such as a claim for damages for a breach of contract, or for loss of any kind, comprehensive reports on the facts and law involved are embodied in reports and recommendations, by attorneys to their superior officers. If it is deemed advisable to file suit, the matter is usually referred by the agency where the claim arose to the Civil Division of the Department of Justice, where additional studies are made, and where final decisions whether to drop the matter, to settle or to file suit are reached. With the routine case, the matter, if it is to be litigated, is sent to the appropriate United States Attorney for action, and thereafter it is conducted by him in cooperation with the Civil Division. Cases in the Criminal Division originate and are processed in much the same way, except that a criminal prosecution for tax evasion gets to the enforcement attorneys in the Internal Revenue Service on recommendation of special agents, with the approval of their superiors, and finally, after hearings, may reach the criminal section of the Tax Division in the Department of Justice, and then the Criminal Division and then the District Attorney for presentation to a grand jury. The Assistant Attorney General at the head of the Antitrust Division, or the one at the head of the Alien Property Division, or the Lands Division, for example, as with the other Divisions actively engaged in litigation, may prepare and file suits, and practically all of them are engaged in defending actions involving the class of subjects ordinarily handled by their divisions.

What I have said constitutes a rather incomplete outline of how and when the

Government gets into court. It does not include Government activity in permanent or emergency courts abroad as, for instance, cases arising in the International Court of Justice at The Hague, nor the International Tribunals established temporarily after the last world war to try war criminals in Germany and in Japan.

However, you may be interested in knowing what the routine is in the great bulk of the cases involving the Government, especially after trial in one of the United States district courts. If the Government has brought the case and is successful, the defendant can comply with the judgment or appeal. But if the Government loses a case brought by or against it, reports and recommendations are written by the Government attorneys in direct charge, and these go to their superiors, and finally reach the staff of the Solicitor General of the United States, where they are studied again and additional recommendations made to their official. No appeal to a Court of Appeals is taken by any of the attorneys in the various divisions of the Department of Justice without the express approval of the Solicitor General. During the last fiscal year the Solicitor General considered 1,026 such cases and authorized appeals in only 280 instances, allowing adverse decisions to stand in the remaining 746 cases. If a case is lost by the Government in a Court of Appeals, either by the attorneys in a division of the Department of Justice, or by any other Department or independent commission or establishment of the Government, the Solicitor General decides, after reports and recommendations reach him, whether to apply to the Supreme him, whether to apply to the Supreme Court for review by what is known as a writ of certiorari, or whether, in cases where a direct appeal from a lower court to the Supreme Court is provided, such an appeal should be taken. Last year the Solicitor General had 473 certiorari matters to decide.

He applied to the Supreme Court in 42 cases only, and declined to go to that Court in 431 cases. Last year he had 35 cases involving direct appeals, but he authorized appeals only in 9 such cases, leaving 26 adverse decisions to become final.

The Attorney General, a member of the President's Cabinet, has many administrative duties and responsibilities to discharge involving questions of high policy. He is not expected, except on rare occasions, to argue cases in Court, or to determine when the Government should take appeals to the Courts of Appeals or seek decisions by the highest court of the nation. The office of the Solicitor General, having no connection with the procedures under which suits are filed or defended in the lower courts, is thus in a better position to reach impartial and unbiased decisions as to whether the Government should attempt to have adverse decisions reversed. And the simple fact is that the Solicitor General and his staff, being removed from the hurly-burly of the trial courts, is in a much better position to give each controversy a new look, and, if he deems it advisable, to resist the enthusiasm, or even the prejudices of those engaged on the battlefields of the courts. Much time and effort are saved and useless expense avoided, both for the Government and private citizens, by the meticulous care exercised by the Solicitor General in arriving at such determinations. As Mr. Justice Frankfurter once pointed out in a concurring opinion:

"The various governmental agencies are apt to see decisions adverse to them from the point of view of their limited preoccupation and too often are eager to seek review from adverse decisions which should stop with the lower courts. The Solicitor General, however, must take a comprehensive view in determining when certiorari should be sought. He is, therefore, under special responsibility, as occupants of the Solicitor General's office

have recognized, to resist importunities for review by the agencies, when for divers reasons unrelated to the merits of a decision review ought not to be sought."

However, the decisions as to what cases should be appealed are easy when compared to the difficulties encountered when one Department or agency of the Government is in conflict with another, and each appears on opposite sides in the same litigation. When this happens the Solicitor General must determine which side he will take in the Supreme Court, speaking for the overall Government. And then there are cases in which the Government is not a party but in which, because the decision may affect the functions of one or more of the federal agencies, the Government voluntarily appears as a friend of the court to present its views; the cases in which the Government is invited by the Supreme Court to file briefs and argue questions of important public policy, and the cases in which, because of their impact on domestic and foreign affairs, the Government appears to inform the Court of its views on the issues involved.

Perhaps few people know that the Solicitor General on occasion comes to the conclusion that he cannot in good conscience file a brief and make an argument in the Supreme Court to sustain a judgment won by the Government in the lower courts and already affirmed by a Court of Appeals. He, therefore, confesses error and asks the Supreme Court to reverse the judgment in the Government's favor. I am fond of repeating what I have told many bar associations about the manner in which practically all cases are handled in the Department of Justice: questions affecting the punishment of a person convicted of crime, touching the rights of a poor and obscure widow applying for social security benefits, or concerning the alleged violation of the immigration laws, rights of a single sailor ordered deported for are debated by attorneys in that Department

with a vigor and earnestness that bespeak unflagging determination to see to it that the Government acts fairly and honestly toward all of its people.

Government lawyers, generally, are more interested in arriving at exact justice, with a proper consideration of the equities involved, than in making a record based on a won-and-lost count of cases. None of the less fortunate persons whose interests have been involved may ever know of the time and effort and talent expended in their behalf by lawyers they never heard of and whose services they could not employ, but it is a fine and great thing for those close to Government procedure to know that the word "justice" has vitality and meaning, that it is alive and active, and that it guides Government judgments and tempers its actions.

There are exceptions, of course, to this general statement. There are good and bad Government lawyers, but the good were in the great majority when I had the opportunity to make personal observations, and I believe they still are. Also there are times when unprincipled demagogues in and out of Government succeed in creating suspicion and doubt and distrust to such an extent as to weaken temporarily the foundations upon which our institutions of free Government rest.

But such times and the demagogues who create them are certain to disappear, leaving the foundations stronger than before. We, as a people, are committed to the rule of law and not of men, and we put our faith in the truth of the inscription in the rotunda on the fifth floor of the Department of Justice Building on Constitution Avenue, in the City of Washington: "The United States wins its point whenever justice is done its citizens in the courts."

And that, you will agree, is the very best attitude for the Government to have when it goes to court.

Our Retreat from the Principles of the Founding Fathers*

by DR. A. POWELL DAVIES

Minister of All Souls Unitarian Church, Washington, D. C.

Must Freedom Protect Its Enemies?

Whenever it is pointed out that the methods of the current investigations transgress American judicial principles and infringe upon the civil rights which are the very core of our national inheritance, it is protested that Communists are not entitled to the protection that the rest of us may claim, since they are conspiring to overthrow the system of government that provides it. Shall they be given the freedom to destroy freedom? Must we allow them to use for their own purposes the rights that they would extinguish as soon as they had the power?

This protest should be carefully examined. It cannot lightly be brushed aside. For it is undoubtedly true that Communists are using our freedom with the intent of destroying it, and equally true that they would deny to others the rights they insist upon for themselves. The notion, held by some, that a free society is bound by its principles to give shelter of its civil rights to a conspiracy against the society itself, *even if the conspiracy is succeeding*, is insupportable.

However, let the italicized clause be fully noted. As we shall see later, the restriction of freedom in order to protect it from its enemies all too easily becomes the withdrawal of freedom from its friends. Similarly, rights suspended because they are being abused are soon lost to the entire society.

The most, therefore, that we can concede is that *if a free society is in genuine danger* from those who are using its

freedoms to undermine the society itself, the rights of the conspirators must be curtailed *to whatever extent is actually necessary* for the security of the free society. Again, let the emphasis be noted. For the curtailment of rights in any circumstances is fraught with peril. This peril must therefore be kept at the absolute minimum.

What the situation amounts to is that freedom is not obliged to commit suicide. If a condition exists — as it has in some countries — in which a Communist conspiracy is attempting to take over the government illegally, the legal government is entitled to take whatever measures are necessary to put down the conspiracy. It would have been entirely appropriate, for example, in some of the countries which the Communist minority was allowed to take over, if the government representing the non-Communist majority had expelled the Communists from the legislature — and from the cabinet, if they were in it — and thereupon had tried them for treason. This would have been justified even though the Communists thus treated had been legally elected. There is a point — and it is blind and foolish to deny it — where the law of necessity takes over.

To take an example with Communism left out of it — which may be a good

*An address delivered at 53rd Annual Spring Conference of the Middle States Council for the Social Studies, and based on material contained in Dr. Davies book: *The Urge to Persecute*, by A. Powell Davies. Boston: The Beacon Press, 1953. 219 p. Material included herein is reprinted with the permission of the author and the publisher.

thing to do for the purpose of clear thinking — we can imagine a community in which the people are all starving but in which one wealthy man has stored for himself a great quantity of food which he is unwilling to share. The law of necessity would not be in conflict with moral law if the community seized the wealthy man's store of food and distributed it, even though this would be illegal. It would be necessary, however — to complete the illustration — for the community to make restitution to the man whose possessions it had forcibly seized, whenever it acquired the means of doing so. And this would be the case, no matter how low an opinion the community had of this man, or how richly he deserved it. For the law of necessity must be applied only to the extent essential. Otherwise, restraints would disappear and civilized values be in jeopardy.

There are also other ways in which a free society — and its citizens — need not allow themselves to be trapped by a perversely literalistic application of its values. Here, for instance, is a man who comes to ask me to sign a petition. I read it and recognize that I am in formal agreement with its terms. Am I therefore morally obliged to sign it? The man who has brought it to me says that I am. "No," I reply, "I think I am not — because this petition is not brought to me in good faith. It will be used for purposes with which I profoundly disagree. In short, this petition was framed by Communists to serve a Communist purpose and I shall not sign it."

"Then, you are going back on your convictions," objects the man. "You are not willing to put your name to what you have repeatedly said that you believe. What sort of moral position is that?"

"It is a very strong moral position,"

I tell him. "It is the position of not allowing good ends to be perverted into bad ones. It is the position of not obeying the devil when he appears as an angel of light. It is the position of emphatically not supposing that because you want to be good, you have to be stupid. Fidelity to a principle is fidelity not merely to what that principle formally commands but fidelity to its intention. In this case which you have brought before me, the intention of the principle which you want me to mis-apply is quite definitely **not** to serve the stratagems of the Communist Party."

It is highly important, as it seems to me, that all who love freedom and defend traditional American rights shall define their stand in realistic terms, making clear their awareness of Communist imposture and treachery, and showing that they are unwilling to be thoughtless and uncritical in applying their principles. For no action is really moral that is taken upon the basis of percept only and without regard to its consequences.

We repeat, therefore: a free society is not obliged to extend its protection to conspirators *to the point where the society and its freedoms are endangered*.

But what is our present situation in America? There is no slightest doubt of the threat of Communism from abroad or that it places us in deadly danger. There is no doubt but that there are spies and saboteurs within the United States, and perhaps other agents of the Communist cause, under orders from the Soviet Union and working under Party discipline. It is clear that these enemies must be identified, and either apprehended and punished or — if it be to our national advantage — left free for a while and kept under surveillance. This is the concern of the FBI and of what-

ever other agencies are established by the appropriate departments of the government.

There is no *need*, however, to curb the civil rights of Communists engaged in treason. They can have all the protection our judicial system affords, and yet, if the evidence is plain, they will be found guilty and justly convicted. In other words, no case can be made out for the curtailment of civil liberties or the adoption of methods of investigation repugnant to our judicial procedures on the basis that there are Communists who are committing treason. Such Communists can be effectually tried in our courts in accordance with our traditions.

If it be contended — as it is by apologists for the Congressional committees — that this leaves everything to a Department of Justice which is not to be trusted to prosecute such cases, the answer is that if so serious a charge is really substantial, the Congressional committees should investigate the Department of Justice. Actually, most of us will not easily be persuaded that the Department of Justice, which contains the FBI, is poorly informed; or that it is not eager to take energetic action in cases of treason.

The one case to which the Congressional committees keep pointing as evidence of their usefulness is that of Alger Hiss. But the fact is that in this matter the Committee on Un-American Activities is entirely indebted to Whittaker Chambers who withheld from the Department of Justice for many years important documentary evidence upon which it would have been bound to act. The publicity-seeking Un-American Activities Committee merely reaped the reward of Mr. Chambers' delay — highly discreditable to Mr. Chambers himself and casting

grave doubt upon his probity and the sincerity of his motivation — in disclosing to the government what he was under obligation to disclose much earlier. Moreover, the Un-American Activities Committee was taken by surprise when owing to Mr. Chambers' unexpectedly sensational revelations, the case took the turn it did. This is proved by the fact that Mr. Nixon, the member of the committee most concerned in the investigation, had taken a trip abroad, from which he hastily returned by airplane when he discovered that his complacency may have been ill-founded.

The Congressional committees, however, have had no other case like that of Mr. Hiss. To the extent that they are concerned with people who may be Communists, they are investigating not espionage or contemplated sabotage or the activities of agents of the Communist conspiracy, but persons who are described, rightly or wrongly, as holding Communist or pro-Communist opinions. From this, they have extended their investigation — and here we come to what they are really pursuing — to those who are believed to have had, at some time in the past, either hopeful views of Communism itself or views of public issues which Communists were also said to hold. And these people are accused of having been sufficiently close to the Communist conspiracy to have forfeited the right to the protection of traditional American procedures.¹

As to the procedures which the committees have substituted for the traditional American ones, they have been

¹Such procedures as the Grand Jury to determine whether the case shall go to trial, the presumption of innocence until guilt is proven, confrontation of witnesses, cross-examination on behalf of the accused, and all that centuries of experience have built up into the wisdom and humanity of Anglo-American justice.

accurately described by Agnes E. Meyer as "of a character to make any honest American sick to his stomach, regardless of whether he thinks the victim may be or may have been a fellow-traveller. I have seen only one sight to compare with it," she continues, "a Spanish bull fight where a half a dozen men stick knives into the bull to enrage him before the matador — or in this case the committee chairman — closes in for the kill."²

What possible excuse is there for this departure from American traditions of justice and fair play? As we have conceded, if a free society is in genuine danger from those who are using its freedoms to undermine the society itself, the rights of individuals may need to be curtailed to whatever extent is actually necessary for the security of the free society. But those who are haled before the Congressional committees do not represent this sort of threat, even the ones who may have Communist sympathies.

If indeed they do have Communist sympathies and are in one way or another taking advantage of American freedom to advance opinions which belong to the Communist system of ideas, they can be answered in the open forum; if they are working in a free institution such as a university, it is the concern of that institution to deal with them in accordance with its rules. Should it happen that the government has exclusive evidence of the Communist activity of such a person, the evidence can be made available to the institution concerned. In any case, in the United States, we cannot afford that anyone shall be persecuted, even a Communist-sympathizer, **for his opinions**. Conspiracy is one thing; opinion another. We have a Department of Justice to deal with conspiracy — as with all other unlawful behavior; but no de-

partment of the government should be dealing with matters of opinion.

The truth is that the threat of Communism within the United States, so far as it has to do with treasonable activities, can be fully met without modifying in any way our customary judicial procedure. So far as it has to do with activities which are not illegal, such as the promotion of Communist ideas, it is not a serious threat and in no way excuses the excesses of the investigating committees.³

A much greater evil is the unjust and oppressive behavior of the committees towards people who are not and never have been Communists but whose views the committees do not like. The excuse given by the committees — and their apologists — that the threat of Communism justifies the suspension of the traditional American respect for human rights is, in these cases, not only utterly unfounded but downright irrelevant.

As Jefferson told us long ago, once we begin on this path we are forfeiting our freedoms. "Subject opinion to coercion: whom will you make your inquisitors? Fallible men; men governed by bad passions, by private as well as public reasons. And why subject it to coercion? To produce uniformity."⁴ That is what we have! Fallible men; men whose ambition, whose passion for publicity, whose private rather than public reasons drive them to persecute those of differing views — people who are seldom Communists but who, through reckless assertion and inquisitorial procedure, can be made to seem so to the public.

²Address before the American Association of School Administrators, Atlantic City, N. J., February 17, 1953.

³Membership in the Communist Party had shrunk, by the end of 1951, to a third of what it was during the war.

⁴T. Jefferson, Notes on Virginia, 1782.

To sum up, freedom *can* — and indeed *must* — protect itself from its enemies, including those on the committees. But freedom, if its friends are still to possess it, must not be curtailed because enemies which cannot seriously harm it are abusing it.

The distinction which the American people must learn to make is between active conspirators against their free society and those who hold unpopular — and even repugnant — opinions. Unless freedom protects enemies of the latter sort who are not truly perilous to it — protects them, that is to say, by permitting them the same civil rights that are claimed for the society as a whole — the danger is that freedom will not be able to protect its friends. That is what is happening in the United States at the present time.

As Judge Learned Hand, one of the most humane and literate jurists of our time, has summarized it: "Risk for risk, for myself I had rather take my chance that some traitors will escape detection than spread abroad a spirit of general suspicion and distrust which accepts rumor and gossip in place of undismayed and unintimidated inquiry. I believe that that community is already in process of dissolution where each man begins to eye his neighbor as a possible enemy, where non-conformity with the accepted creed, political as well as religious, is a mark of disaffection; where denunciation, without specification or backing, takes the place of evidence; where orthodoxy chokes freedom of dissent; where faith in the eventual supremacy of reason has become so timid that we dare not enter our convictions in the open lists to win or lose. Such fears as these are a solvent which can eat out the cement that binds the stones together; they may in the

end subject us to a despotism as evil as any that we dread; and they can be allayed only insofar as we refuse to proceed on suspicion, and trust one another until we have tangible ground for misgiving. The mutual confidence on which all else depends can be maintained only by an open mind and a brave reliance upon free discussion. I do not say that these will suffice; who knows but we may be on a slope which leads down to aboriginal savagery. But of this I am sure: if we are to escape, we must not yield a foot in demanding a fair field, and an honest race, for all ideas."⁵

The Suborning of Loyalty

Loyalty, like love, cannot be coerced. It is of the heart. People can no more be frightened into loyalty than they can be brought to it by cajolery. Nor, if they are disloyal, can they be readily brought to confess it. If dissimulation is on their side, they will play the part of deceivers. That is why it is useless to administer loyalty oaths.

What is "loyalty to one's country"? The words are soon spoken, but what is the meaning? It cannot be mere loyalty to a piece of territory; for the same acres of earth would be very different under different sorts of human administration. And if it be loyalty to a body of principles, a form of society, a way of life — there must be an inner conviction, unforced and spontaneous, that these principles, this social form, this way of living are infinitely precious. Here is a loyalty that one either has or has not, a part, either present or missing, of one's personal development, one's spiritual essence. How can men be tested

⁵Address before the 86th Convention of the University of the State of New York, Albany, October 24, 1952.

for it? And what can be done if they lack it?

When such a position is stated, and the ground of it sought in American tradition, it is usual to go to Jefferson. "If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."⁶ This is the classical American tradition: tolerance not only for its own sake, but tolerance as the bounty of unshaken confidence.

But, it will be said, our situation is such as Jefferson never contemplated. This is not quite true, since Jefferson experienced the Alien and Sedition Acts era.

Given due time for comprehension, Jefferson would have understood this situation. To the conspiracy, as such, he would have applied whatever repressive measures were necessary — that is to say, he would have been concerned for the apprehension of traitors who were actively plotting against the peace and security of the nation. But — who can doubt it? — he would have insisted, now as in the early nineteenth century, that "error of opinion" may be "tolerated where reason is left free to combat it." He certainly would not have thought that in our free institutions — the teaching profession, for instance — any who wishes "to dissolve this Union" would be deterred from it by an oath of loyalty. Or that such a person, knowing the consequences of candor, would hesitate at perjury.

But then, as to this, Alexander Hamilton, in many ways the arch-antagonist of Jefferson, would back him up to the

hilt. An oath of loyalty, said Hamilton, "substitutes for the established and legal mode of investigating crimes and inflicting forfeitures one that is unknown to the Constitution and repugnant to the genius of our law."⁷

Among other things, he went on, such oaths "invert the order of things," obliging a citizen to establish his innocence; and they hold out a "bribe to perjury." It could not have been put more pithily! Those who are disloyal are at an advantage if they swear falsely to their loyalty: those who are loyal do not need an oath at all.

What barrier is an oath to a Communist? The instruction given to Communists in the teaching profession in 1937, when the Party still printed some of its instructions openly, was as follows: "The Party must take careful steps to see that all teacher comrades are given thorough education in the teaching of Marxism-Leninism. Only when teachers have really mastered Marxism-Leninism will they be able skilfully to inject it into their teaching at the least risk of exposure and at the same time to conduct struggles around the schools in a truly Bolshevik manner."⁸

The degree to which teachers could inject Marxism-Leninism into their teaching at present as compared with the 1930's, and still escape detection, is undoubtedly much reduced. The public, as well as the Party, has been educated in Marxist-Leninist methods, and keeps a sharp look-out for "skilfully injected" Communist propaganda. But however that may be, this much is certain: teachers

⁶Inaugural Address, March 4, 1801.

⁷Cummings v. Missouri, 4 Wall. 277, 330-31 (1867).

⁸The Communist, May, 1937; quoted by V. T. Thayer, *American Education under Fire* (N. Y.: Harpers, 1944), p. 162.

who have learned perfidy along these lines will not boggle when it comes to loyalty oaths, but will take them "in a truly Bolshevik manner."

The oaths are therefore useless. Those who take them sincerely do not need to take them; those who swear falsely are no more loyal — or detectably disloyal — than they were before.

The only good loyalty oath — or fairly good one — is doubtless the one quoted by former Attorney-General Francis Biddle, in his book, *The Fear of Freedom*. It is the oath said to have been sworn by the subjects of the ancient King of Aragon, in the presence of their monarch and goes as follows: "We, who are as good as you, swear to you, who are no better than we, to accept you as our king and sovereign lord, provided that you observe all our liberties and laws; but if not, then not."⁹

Meanwhile, what the present loyalty oaths achieve is nothing but offense and insult to loyal citizens who sense their inner meaning: namely, that loyalty is being made obsequious and subservient. The oaths are part of the pattern of fear, whereby those who would be masters of the people first make them yield to indiscriminate submission.

To what am I loyal when I am loyal to the United States? To those who would be the country's masters, the men of tyranny who would like to be judges to us all? To those who will say, "This man is loyal; he says what I wish"; but "That man must be suspected; he does not bow down before me"? It is the odor of this that makes loyalty oaths offensive. True loyalty is to the country's great traditions and its liberties. It is a free man's loyalty, buoyant and self-assured.

One might ask, however, a rather dark but not irrelevant question: What is the loyalty of a persecutor? Here is a man who has risen to power because he has concentrated upon one thing at the expense of all others: his own advancement. Will a time ever come when his own advancement — or at least his preservation — is not the one thing that commands his loyalty? In a crisis, what will he give to his country? Indeed, what does he mean by "his country"? The domain of his own privileges or the community and its welfare?

Suppose — and I regret the grimness of the illustration — the Communist enemy reached a point where his power surpassed our own. This, upon the basis of our present policy, is not impossible. Suppose, instead of attacking us, he offered us, under face-saving formulas, what amounted to physical safety at the expense of moral surrender? Where, then, would our super-patriots be? If they knew that, through appropriate negotiations, they could still wield authority — perhaps increase it — after the surrender, would they be loyal to their country and its civilized values — or to their own supposed preferment?

I am not answering this question, but I quite definitely am asking it. I am not answering it because I know the complexity of human nature and the continuing struggle of good and evil in the hearts of men too well to judge men in advance — and least of all to condemn

⁹An oath of a similar pattern would be appropriate for witnesses who are being investigated by Congressional committees. Such an oath, to be simple and honest, and also fairly complete, might phrase itself like this: "I, a free citizen of the United States, whose government is his agent, not his master, do swear to tell as much of the truth as this Committee does not prevent or distort and I will be responsive to the Committee's questions to the full extent of their accord with our liberties and laws."

them on the basis of conjecture. But I ask it because it is a question we should have in mind.

The transformation of an American persecutor into a Commissar could take place without much change in character or motivation. He himself might scarcely know the difference. We have in recent memory the "collaborationists" of Vichy France. They were not Nazi at the beginning; perhaps they were never Nazi. But to survive and keep their power — or to gain it — they served the Nazi purpose.

Surely, those who would die for freedom if the need arose must be defending freedom now; those who would perish before they would be enslaved — are they not those who have always stood for human rights? What reliance shall we place in those who trample freedom? What shall we expect of those who disregard the rights that loyalty requires them to observe?

Where was their loyalty ever — to their friends, their colleagues, their supporters? If they betrayed these, whom then will they not betray? Why should we trust them? What a man is, he is in his entire character. If he has been shifty, perfidious, untrustworthy, that is the kind of man he is. And that will *be the quality of his loyalty*. How can a man's loyalty be better than the man himself — better than what he is in mind and heart?

Loyalty in a democracy, and especially in the United States, can never be expressed through *bullyism*, I use the term *bullyism* rather than a term presently current because, as it seems to me, it is a much more accurate term than an "ism" named after a man who, for the time being, is a member of our legislature. He

did not invent what he serves — this man, or any other like him, before or after. It has been with us all along. In times of stress, it reappears.

There was something of it in New England theocracy, more of it in Nativism, The Know-Nothings, the Klu Klux Klan, the Anti-Semitism of Father Coughlin. Now, we have it once more — at a much more dangerous time and, for the moment, in a more successful form. But it is the same old bullyism, applauded in the same old way, and by the same kinds of people.

I say "kinds" rather than "kind" of people because they are not of one category. There are those, earlier described, who express their persecuting impulse vicariously through a bully: those who, through unhappy defects of personality, draw keen enjoyment out of "seeing people pushed around." There are also those who regret the bullyism but condone it because they think — or try to think — that it serves a necessary purpose. This purpose is always identified with what is called American interest or "the American way of life," but it is really the self-interest of those concerned, short-sighted and narrowly conceived. Struggle in America — a struggle between old world evils and the faith and purpose of the American Revolution — it is really un-American: or even anti-American as the founding principles and the great traditions define Americanism. If there are those who think it compatible with loyalty — let alone definitive of it — they have forgotten their American inheritance. And it is dangerous to forget. Let them remember Guizot's question to James Russell Lowell: "How long do you think the American Republic will endure?" and Lowell's famous answer: "So long as the ideas of its founders

continue to be dominant."

If then, there must be vows of loyalty, let us choose Lincoln's: "Many free countries have lost their liberties, and

ours may lose hers; but if she shall, be it my proudest plume, not that I was the last to desert, but that I never deserted her."

FUNCTION AND ORGANIZATION OF THE OFFICE OF EDUCATION

In performing its functions, the Office of Education provides services that cannot be conducted as efficiently by single States or by groups acting alone. Under the general direction of the Commissioner of Education, the activities of the office are carried out through a number of Divisions and Branches. A few of the responsibilities of the various Divisions are listed:

1. **Division of School Assistance in Federally Affected Areas.** Formulates policies and legislative proposals for maintenance, operation and construction of schools on Federal property, and in districts with increased enrollment resulting from Federal activity.
2. **Division of Higher Education.** Interprets national trends; interprets policies of the Federal Government; carries on research dealing with higher educational institutions and associations; administers funds appropriated for land grant colleges.
3. **Division of International Education.** Cooperates with American and foreign educators in promoting the development of international education. Makes studies of education in other countries. Furnishes professional assistance for education in underdeveloped areas. Administers the Teacher Exchange Program.
4. **Division of State and Local School Systems.** Research and educational leadership for State and local school systems. Research studies on all levels of education, radio and TV, guidance, exceptional children, etc.
5. **Division of Vocational Education.** Administers grants for vocational education under the Smith-Hughes and George-Barden acts. Promotes vocational education in agriculture, distributive occupations, home economics, trade and industry.
6. **Statistics and Research Services.** Provides statistical services to the Office of Education.
7. **Library Services Branch.** Administers the Library Services Act, a grant program for the extension of public library services.
8. **Publications Services.** Directs the overall program for the Office of Education; assists authors; edits and designs publications; publishes *Education Fact Sheet* and *School Life*.

MIDDLE STATES COUNCIL FOR THE SOCIAL STUDIES
FIFTY-THIRD ANNUAL SPRING MEETING
WASHINGTON, D.C.
MAY 18, 19, 1956

PROGRAM PARTICIPANTS

MAY 18—OPENING SESSION

Chairman: Joseph B. Hillyard, Supervisor of Social Studies, Baltimore County Schools, President, The History Teachers Association of Maryland.

Address: "Visual Aids for Teaching Local Social Studies." Gladys T. Hopkins, Supervisor of Curriculum, State Department of Education, Maryland.

Recorder: Mary L. Dempsey, Woodburn Junior High School, Baltimore, Maryland; Secretary, History Teachers Association of Maryland.

GENERAL SESSION

Chairman: Mary Joan Doyle, Macfarland Junior High School, Washington, D.C.; President, The Washington, D.C. Round Table for Social Studies Teachers.

Address: "When the Government Goes to Court," Honorable Philip B. Perlman Former Solicitor General of the United States.

Recorder: Virginia H. Best, Randall Junior High School, Washington, D.C.; Secretary, The Washington D.C. Round Table for Social Studies Teachers

RECEPTION

Sponsored by the Washington D.C. Round Table for Social Studies Teachers

MAY 19—GENERAL SESSION

Chairman: William H. Hartley, State Teachers College, Towson, Maryland; First Vice-President, Middle States Council for the Social Studies.

Address: "An Introduction to the Department of Health, Education and Welfare," Rufus E. Miles, Jr., Director of Administration, Department of Health, Education and Welfare.

Address: "The Work of the Office of Education," John R. Rackley, Deputy Commissioner of Education.

Address: "Health and Welfare Activities of the Department," Z. Stewart Hunter Assistant to the Surgeon General for Information.

Address: "The Social Security Program," Ida C. Merriam, Director of Research in Social Security.

Recorder: Florence Benjamin, Abington High School, Abington, Pa

Recorder: Raymond Koelker, Seaford High School, Seaford, Delaware.

LUNCHEON SESSION

Chairman: Ralph Cordier, State Teachers College, Indiana, Pennsylvania; President Middle States Council for the Social Studies.

Address: "Our Retreat From the Founding Fathers," Dr. A. Powell Davies, Minister All Souls Unitarian Church, Washington, D.C.

AFTERNOON SESSION

Bus Trip: "Embassy Row" and "Islamic Center." Visit to Embassies; Reception at Chancery of India.

NOTES:

